



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

Zoning Map Change Report



A protest petition has been received for this application and has been found to be valid by the Planning Director.

Meeting Date: January 22, 2013

Table A: Summary			
Application Summary			
Case Number	Z1200014	Jurisdiction	City
Applicant	Youth Reach, Inc.	Submittal Date	June 29, 2012
Reference Name	Victorious Praise Fellowship Church	Site Acreage	9.88
Location	2116 Page Road, north of Page Road Extension and south of Angier Avenue		
PINs	0759-04-43-6257, 0759-03-43-0284		
Request			
Proposed Zoning	Residential Suburban– 8 (RS-8)	Proposal	Expansion of existing church and parking lot
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Low-Medium Density Residential		
Existing Zoning	Planned Development Residential-4.470 (PDR-4.470)		
Existing Use	Church and Parking Lot		
Overlays	None	Drainage Basin	Lower Neuse
River Basin	Neuse	Stream Basin	Stirrup Iron Creek
Recommendations/Comments/Determination			
Staff	This request is consistent with the <i>Comprehensive Plan</i> .		
Planning Commission	Approval, 14-0 on November 13, 2012. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comment		
BPAC	No comment		

A. Summary

This is a request to change the zoning designation of a 9.88 acre site, comprised of two parcels, from PDR-4.470 to RS-8. The existing Victorious Praise Fellowship Church and its parking lot are located on the easternmost 7.12-acre parcel. The

2.76-acre parcel to the west is undeveloped. The subject property is located at 2116 Page Road, north of Page Road Extension and south of Angier Avenue (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan*.

Appendix A provides supporting information.

B. Site History

This site was originally part of a Planned Unit Development (PUD) approved by the County in 1987, which proposed 60 townhomes on a 13.38-acre site that included these two subject parcels and a 3.50 acre parcel to the north. Upon the merging of City and County Zoning Ordinances, this site was given the zoning of PDR 4.470. Only 20 townhomes were constructed (all on the northern parcel) and the subject parcels remained undeveloped.

In 2001, a change to the original PUD's development plan was granted through Zoning Case # P01-02. This change allowed for the deletion of all residential units previously planned for the original PDR's 7.12-acre parcel and permitted the construction of a new worship facility with parking on this parcel. The undeveloped 2.76-acre parcel was not included in this rezoning request.

The committed elements of the development plan approved through case P01- include a 20,000 square-foot maximum building area, 28.5% of open space, 15.35% of tree coverage and 33.8% maximum impervious surface area. Victorious Praise Fellowship Church is proposing an expansion to the existing church and the parking area, which will exceed most, if not all, of the committed elements of the site's development plan. Therefore, a zoning map change is required in order to accommodate these deviations from the development plan.

The applicant is choosing to rezone the site to RS-8, as this is the least intensive zoning that complies with site's future land use designation of Low-Medium Density Residential. Per UDO Section 6.3.1, the maximum residential density within the RS-8 District is five dwelling units per acre. The site's future land use designation of Low-Medium Density Residential allows for four to eight dwelling units per acre.

The church received a notice of violation on April 12, 2011 regarding improvements to the site being made without site plan approval. The subsequent site plan that has been submitted in relation to the proposed church expansion will serve to correct this notice of violation.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's

consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested RS-8 zoning district.

Appendix D provides supporting information.

Determination. This request is consistent with the requirements of the Unified Development Ordinance.

E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plan included by reference.

Determination. The requested RS-8 zoning district is consistent with *Future Land Use Map*, other applicable policies of the *Comprehensive Plan* and other adopted policies and plans.

F. Site Conditions and Context

Site Conditions. This site consists of two parcels. The 7.12-acre eastern parcel is developed with a place of worship and an associated parking lot. A 215-foot wide Duke Energy easement runs across a portion of this parcel, traversing a section of the existing parking lot. An intermittent stream runs along the northern property line of the parcel.

The 2.76-acre western parcel is undeveloped and is mostly wooded with a delineated wetland covering a portion of the parcel. A 68-foot wide Duke Power easement runs across a section of this parcel, as does the intermittent stream that is present on the eastern parcel.

Area Characteristics. This site is in the Suburban Tier and located on the west side of Page Road, just north of Page Road Extension. The area consists of a mix of uses, including single-family residential, multi-family residential and light industrial.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed RS-8 district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request. See Appendix G for additional information.

Determination. The proposed RS-8 district meets the ordinance requirements and adopted plans and policies in relation to infrastructure impacts of road, transit, utility, drainage/stormwater, schools and water supply.

H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and ordinance requirements.

I. Contacts

Table I: Contacts		
Staff Contact		
Scott Whiteman, Planning Supervisor	Ph: 919-560-4137, ext: 28253	Email: scott.whiteman@durhamnc.gov
Applicant Contact		
Kevin Hamak	Ph: 919-682-0368	Email: khamak@citpa.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Center of the Region Enterprise (CORE)
- Fayetteville Street Planning Group
- Friends of Durham
- Inter-Neighborhood Council
- Partners Against Crime – District 4
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting November 13, 2012 (Case Z1200014)

Zoning Map Change Request: From PDR-4.470 to RS-8

Staff Report: Mr. Burdick presented the staff report.

Public Hearing: Chair Monds opened the public hearing. Two spoke in support and four against. Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on buffers, traffic, noise and the Board of Adjustment.

Motion: Approval of the Zoning Case Z1200014. (Mr. Davis, Ms. Mitchell Allen 2nd).

Action: Motion carried, 14-0.

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table L: Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner's Acknowledgement 6. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 11. Planning Commissioner's Written Comments 12. Ordinance

Appendix A: Application Supporting Information

Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
RS-8	The Residential Suburban - 8 is established to provide for suburban residential development and redevelopment with a minimum lot size of 8,000 square feet. A variety of single-family housing types are permitted. While RS-8 is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.

Table D2. District Requirements – RS-8			
	Code Provision	Required	Proposed
Maximum Residential Density (DU/Ac.)	6.3.1	5.0	N/A

Appendix E: Adopted Plans Supporting Information

Table E: Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Low-Medium Density Residential (4-8 D.U. per acre) Suburban Tier: Land located in the Suburban Tier is expected to accommodate a large proportion of Durham's growth through greenfield development, infill, and redevelopment. The Suburban Tier is within the Urban Growth Area and is expected to be provided with urban services at traditional suburban densities and patterns.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office,

	Research/Research Application, and Industrial.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
9.4.1a	Water Quantity Level of Service Standard: New development will not increase the post-development peak runoff rate from the one-year storm over the predevelopment peak runoff rate by more than 10 percent.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.

Appendix F: Site Conditions and Context

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Townhome residential	PDR 4.470	N/A
East	Multi-family residential	RS-M	N/A
South	Light Industrial - Warehouse	IL(D)	N/A
West	Single- family residential	PDR 2.580	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Page Road, a State maintained road, is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.	
Affected Segments	Page Road
Current Roadway Capacity (LOS D) (ADT)	11,900
Latest Traffic Volume (AADT)	2,900
Traffic Generated by Present Designation (average 24 hour)	261*
Traffic Generated by Proposed Designation (average 24 hour)	478**
Impact of Proposed Designation	217

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

Page Road: 2-lane major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) –20,000 square-foot place of worship

** Assumption- (Max Use of Proposed Zoning) – RS-8: 43 single-family units

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of this site along Page Road and Page Road Extension via DATA Route #15. However, with the planned route changes associated with the Durham Designing Better Bus Service, transit service will no longer be provided within one-quarter mile of the site after January 2013.

Table G3. Utility Impacts
The site is served by City water and County sewer.

Table G4. Drainage/Stormwater Impacts
Stormwater impacts will be assessed at the time of site plan review.

Table G5. School Impacts			
The site is currently improved with a place of worship and an associated parking lot. The church and parking lot will remain the singular use of the site upon the rezoning of the property. However, RS-8 zoning would allow the construction of up to 49 single-family houses on this site. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2010-11 School Year)	15,827	7,708	9,686
Committed to Date (April 2008 – March 2011)	384	124	81
Available Capacity	1,239	2,380	1,141
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	7	4	6
Impact of Proposed Zoning	7	4	6

*Assumption- (Existing Zoning)–PDR 4.470: Place of worship

**Assumption- (Proposed Zoning) –RS-8: 49 single-family homes

Table G6. Water Supply Impacts	
If the existing place of worship did not exist, this site is estimated to generate 7,795 gallons per day (GPD) when developed to the greatest estimated water usage potential under RS-8 standards.	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Approved Zoning Map Changes	0.70 MGD

(July 2009 through June 2012)	
Available Capacity	8.24 MGD
Estimated Water Demand Under Present Zoning*	2,000 GPD
Potential Water Demand Under Proposed Zoning**	7,595 GPD
Potential Impact of Zoning Map Change	-7,395 GPD
Notes: MGD = Million gallons per day	

*Assumption- (Existing Zoning)– PDR 4.470: Existing 20,000 square-foot place of worship

**Assumption- (Proposed Zoning) –RS-8: 49 single-family homes

Appendix K: Summary of Planning Commission Meeting

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance